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writ of the same year,¹¹ on the assessment of damages due to the bishops, alluded to by Mr. Turner,¹² and said, apparently without justification, to be found on the Patent Rolls, directs the commissioners to attend at times and places to be fixed by the respective bishops. Is there any suggestion here of a central assembly?

The whole position is complicated by the fact that the writ of November 7, 1213, is obviously supplementary to an earlier writ which appears to have summoned *all* the knights of the shire; and this earlier writ, seemingly, does not survive. But it would appear to have been of a military, rather than a political character; and, regard being had to the circumstances of the time, it seems to be equally arguable that such a writ would be directed toward securing one central or many local gatherings. On the one hand, an army dispersed among thirty-seven different centres is not of much military value; on the other, John may well have hesitated, in view of his quarrel with the barons, to summon the whole feudal forces of the country to a single spot. Such a step might have placed an overwhelming force at the disposal of his opponents.

EDWARD JENKS.

THE LORDS OF THE COMMITTEE OF COUNCIL

IN 1896 Professor Wolfgang Michael published the first volume of his *Englische Geschichte im Achtzehnten Jahrhundert*, in which he described the structure and working of the cabinet for this period, an account which he afterwards elaborated in various special studies, the most important, perhaps, being "Die Entstehung der Kabinettsregierung in England", which appeared in 1913.¹ These writings are endowed with qualities well known in the contributions of their eminent author, and for the students of the cabinet they have the particular merit that portions of them are based on materials made known for the first time from the archives of Hanover, Vienna, and Berlin. Probably what relates to the history of the cabinet before 1700 is founded upon inadequate information, and further search in the English sources would have revealed data which apparently the author has not used; but I wish here to acknowledge the excellence of most of what relates to the period subsequent. With one of the conclusions, however, I do not agree, and this conclusion pertains to a matter of great importance in the history of cabinet development.

¹¹ *Foedera*, I. 114. The writ is, seemingly, on the Close Rolls (see *Rot. Claus.*, I. 164), not on the Patent Rolls, as stated by the *Foedera*.

¹² *Eng. Hist. Rev.*, XXI. 299.

¹ *Zeitschrift für Politik*, VI. 549-593.

One of the things which most perplexes students of this subject is that in the period after 1688, along with various committees, undoubtedly of the privy council, appears a so-called "committee of council" with members often denoted "lords of the committee", evidently in close relation with the cabinet, but with a relationship very difficult to ascertain. Professor Michael has dealt in some detail with the question of cabinet and committee of council. He comments at length upon the meetings recorded in the Buccleuch MSS. of Montagu House, and considers them to be records of cabinet meetings.² He condemns the editor for designating these records as "Privy Council Minutes", and rightly; but elsewhere I have had to note that he himself fails to observe that several of the meetings are by participants described as committees of council.³ Even at this time, then, I may remark, cabinet and committee of council appear in some instances virtually indistinguishable. Before 1714, and for some years afterward, he says, the term cabinet was applied only to a meeting at which the sovereign was present; nevertheless, in the time of Anne the cabinet councillors often assembled without the queen, but then they met as a committee to deliberate in respect of business about which report was afterwards to be made to the queen in the cabinet. So, there arose the distinction between the cabinet council and the committee of the cabinet council, in accordance with whether the queen was present or not. Committee of the cabinet council, he says, is usually given by contemporaries in shorter form as committee of council. It is not a separate assembly beside the cabinet and the privy council, but a committee of the cabinet without the sovereign presiding. From this cabinet committee comes the cabinet of later times when the absence of the king had become a permanent custom.⁴

I have had reason to comprehend the difficulty of explaining with satisfactory precision the exact nature of the committee of council, and no one would welcome more than myself a definition so clear-cut as this; but grave objections discover themselves. In the first place, so far as I can judge, Professor Michael's warrant for speaking of the "committee of the cabinet council" lies only in a single expression of the Prussian resident, Bonet, who, in a communication of 1715, speaks of the "Comité du Conseil du Cabinet"; and thereupon the author does not hesitate to identify it with the com-

² *Ibid.*, p. 556.

³ *English Historical Review*, XXXI. (forthcoming article).

⁴ *Zeitschrift für Politik*, VI. 557, 564, 565; *Englische Geschichte*, I. 439, 440; see also Salomon, *Geschichte des Letzten Ministeriums Königin Annas von England*, p. 356, note.

mittee of council so often mentioned by Bolingbroke and others.⁵ Undoubtedly Bonet, though a foreigner, was well informed, but some years ago in commenting upon this passage I observed that, so far as I am aware, for more than a generation thereafter this expression occurs nowhere in the very numerous allusions made by English contemporaries to the various assemblies in which they took part, nor does Professor Michael adduce any evidence thereto pertinent.⁶ Further, I find no warrant for the assumption that in the seventeenth and eighteenth centuries the meaning of the word "committee" contained the fundamental idea that a body was assembling without its presiding officer in place. The House of Commons without the speaker in the chair could be a committee of the whole house, but evidence is wanting to show that similar metamorphosis took place when the sovereign was absent from the privy council or the cabinet. "Committee" signified originally, and long continued to mean, a person or a number of persons to whom something was committed to be done. Even if this were not so, however, the theory in question is based upon the assumption that the sovereign did not attend the committee of council, but notwithstanding the fact that cabinet and committee of the council are usually to be distinguished in the presence of the sovereign at the one and his absence from the other, yet the undoubted presence of the sovereign can be shown at numerous meetings of the committee. William attended most of the "committees of council" reported by Secretary Trenchard in 1694;⁷ the frequent presence of Anne is revealed in the entry books of the secretaries and in contemporary correspondence;⁸ and on one occasion as late as 1729 Queen Caroline was present.⁹ The error which I have attempted here to point out, that the lords of the committee of council were a committee of the cabinet council, has been adopted, if I understand him aright, by another author, who continues the argument with the idea, perhaps, that a committee may be supposed to be smaller than the parent body, and thus fortifies his contention that there was a *conciliabulum* or inner cabinet in the time of Anne.¹⁰

With regard to the committee of council also I wish to amplify a former explanation of my own. In a paper written in 1913 on the early history of the cabinet, I undertook, as seemed well, to

⁵ *Zeitschrift für Politik*, VI. 568.

⁶ *American Historical Review*, XVIII. 763, 764.

⁷ See *Eng. Hist. Rev.*, XXXI.

⁸ See *Report of Hist. MSS. Comm.*, *Frankland-Russell-Astley MSS.*, p. 124.

⁹ See *Eng. Hist. Rev.*, XXXI.

¹⁰ H. W. V. Temperley, *ibid.*, XXVII. 692, 693.

treat of the problem of the lords of the committee. I explained, as Mr. J. Munro had done, that after 1688 the process of development of committees of the privy council was not for the most part as theretofore, in the direction of standing committees which were parts of the council, but almost entirely towards committees of the whole council, until at last there was practically one committee, devoting itself to different tasks and acting under different names, attended by only a few of the privy councillors, but in theory, at any rate, a committee of the whole privy council.¹¹ What I then undertook incidentally I have since worked out in minute detail, and in this far the earlier conclusions are amply substantiated.¹² But my principal purpose then was to explain the "committee of council" of William's time and the "lords of the committee" of Anne and of George I., and I now think that I identified this assembly too closely with the committee of the whole privy council, though I did it with some uncertainty and with cautious and doubtful phrase.¹³ Since then I have devoted myself specially to this problem also, and recently dealt with it at length.¹⁴ I should not, therefore, except for the sake of additional clearness have to mention the subject in this place, except that when the late Sir William Anson very generously alluded to my earlier work, he attempted to summarize my statements more exactly than I had dared, and understood me to mean that the lords of the committee in Bolingbroke's day were a general purpose committee of the privy council, produced by the blending of the various privy council committees manned largely by the same leading members into one committee of the whole privy council; that this committee was quite distinct from the cabinet; and that consequently the cabinet was in no sense an offshoot of any committee of the council.¹⁵ I am not responsible for the deduction, but this interpretation is probably what one was justified in making; so that I feel it necessary to allude to my more recent review of the subject in which there is an attempt to show by means of statistics tabulated from the Registers of the privy council and from other sources, that the committee of the whole privy council had a more fluctuating and inclusive membership than the meetings of the lords of the committee of council; that while this latter committee may have been regarded theoretically as a committee of the whole council, and probably, so far as it persisted, in the end became so ac-

¹¹ *Am. Hist. Rev.*, XVIII. 758, 759.

¹² *Eng. Hist. Rev.*, XXXI.

¹³ *Am. Hist. Rev.*, XVIII. 759-761.

¹⁴ *Eng. Hist. Rev.*, XXXI.

¹⁵ *Ibid.*, XXIX. 325.

tually, yet this was far from being so in the days of its greatness; that "committee of council" in this particular sense seems for a while merely to denote the cabinet councillors sitting in capacity of privy councillors in a private gathering or committee, probably an informal one; that the assembly of the "lords" seems to have been made up of the same men who composed the cabinet council; and that hence "committee of council" was frequently used to denote a body which was apparently the cabinet sitting under another name. If such be the case, I may add that this tends to support the notion that the cabinet was then in some manner after all regarded as a committee of the privy council.

EDWARD RAYMOND TURNER.

GERRY AND THE PRESIDENTIAL SUCCESSION IN 1813

ON Monday, May 18, 1812, less than a month after Vice-President Clinton's death in office at the age of seventy-three years, a Congressional caucus named James Madison for a second term in the presidency, and cast a majority of its eighty-two votes for John Langdon of New Hampshire as vice-president. Ten days later (May 28) Langdon, writing from his home in Portsmouth, being past seventy years old and disinclined to assume further official responsibilities, declined the honor.¹ As it happened, he was the first of a number of men formally nominated by a leading party to the second office who have deliberately refused the summons. A second caucus, held in Washington on June 8 and gathered for the single purpose of filling the vacancy, named Elbridge Gerry of Massachusetts for the place. Gerry was glad to accept the honor thrust upon him just ten days before our declaration of war against Great Britain. Because of his outspoken loyalty to the war policy of Madison, he had recently lost the chance of a third term as governor of Massachusetts.

Gerry was a tried politician grown old in the service of his country. A graduate of Harvard College (1762), delegate to the Continental Congress and signer of the Declaration of Independence, member of the Convention of 1787, whose draft of the Constitution he refused to sign, Representative from Massachusetts in the national House during Washington's first term as President, later (1797) envoy extraordinary to France, and after the lapse of many years governor (1810-1812) of his native state, he was securely established as a man of high reputation and many useful accomplishments. He took his seat for the first time as presiding officer over

¹ Letter printed in *National Intelligencer*, Thursday, June 11.